

United States District Court

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JOSE ROMAN JR.

(DOB: 11/15/1980)

CRIMINAL COMPLAINT

CASE NUMBER: 07-M-1054

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

On or about June 28, 2007, in Erie County, in the Western District of New York Defendant did, (Track Statutory Language of Offense)

aboard an aircraft in the special jurisdiction of the United States, by assaulting and intimidating flight crew members and flight attendants of that aircraft, interfere with the performance of the duties of the members and attendants and lessen the ability of the members and attendants to perform those duties,

in violation of Title 49, United States Code, Section, Section 46504. I further state that I am a Special Agent of the Federal Bureau of Investigation and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: Yes No

FILED
U.S. DISTRICT COURT
W.D. of N.Y.
6/29/07
AT
BY
TITLE
M.

J. PETER ORCHARD
Signature of Complainant

Sworn to before me and subscribed in my presence,

June 27, 2007
Date

at Buffalo, New York
City and State

HONORABLE JEREMIAH J. McCARTHY
United States Magistrate Judge

Name & Title of Judicial Officer

Jeremiah McCarthy
Signature of Judicial Officer

A F F I D A V I T

STATE OF NEW YORK)
COUNTY OF ERIE) ss:
CITY OF BUFFALO)

J. PETER ORCHARD, being duly sworn, deposes and states:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed for approximately twelve years. As part of my duties and responsibilities, I am charged with investigating various violations of federal law, including, crimes aboard aircraft. This affidavit is based on my investigation and on information provided to me by members of the law enforcement community.

2. On June 28, 2007, Jet Blue Airlines Flight 622 in route from George Bush International Airport, Houston, Texas to John F. Kennedy Airport, New York, New York diverted from its scheduled flight plan to Buffalo/Niagara International Airport (BNIA) due to the actions and behavior of passenger JOSE ROMAN JR., DOB: 11/15/80, (hereinafter ROMAN). Upon landing at BNIA, ROMAN was removed from the aircraft by Niagara Frontier Transit Authority (NFTA) Police personnel and placed into custody.

3. I and another Special Agent from the Federal Bureau of Investigation responded to the airport where I reviewed the statements given by two of the flight crew members to the NFTA Police. Jet Blue Flight Attendant Rebecca Holly stated that she had served ROMAN a total of four alcoholic drinks during the flight. When ROMAN requested a fifth drink, Holly advised him that Jet Blue regulations only allowed her to serve a maximum of four drinks per flight to a passenger and that she was unable to honor his request. ROMAN continued to request another drink and she repeatedly denied his request based on the previously stated regulation. A short time later, she moved to the rear of the aircraft and was confronted by ROMAN in the aisle. ROMAN placed his arm around her and moved his face very close to her face and again asked for another drink to which she responded that she could not do that. Holly stated that she felt uncomfortable by these actions but believed that if she made any gestures to agitate him, he would become irate. She then reported what happened to her co-worker Flight Attendant Joseph Maisonet. Maisonet then confronted ROMAN in the rear of the aircraft and ordered him repeatedly to return to his seat to which he refused. At that point, ROMAN became irate and abusive. Several times ROMAN made statements saying to the crew and other passengers that he was going to shoot and kill the flight crew when the plane landed in New York. Because of his actions, the pilot of the aircraft diverted the aircraft to Buffalo to remove ROMAN from the aircraft. ROMAN was eventually placed in the front row seat until the aircraft landed

in Buffalo as a standard safety precaution with a Delta Airlines Pilot who was "dead heading" on the flight. In order to accomplish this, the passengers, two unaccompanied minors were placed in another section of the aircraft.

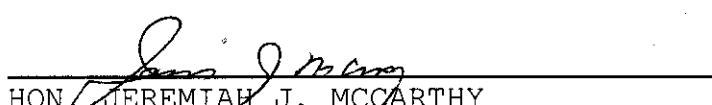
4. Based on the foregoing, there is probable cause to believe that JOSE ROMAN JR. assaulted and intimidated flight crew members and flight attendants, interfered with the performance of the duties, and lessened the ability of the flight crew members to perform those duties in violation of Title 49, United States Code, Section 46504.

WHEREFORE, I respectfully request that a criminal complaint in the form annexed be issued.



J. PETER ORCHARD
Special Agent
Federal Bureau of Investigation
Buffalo, New York

Subscribed and sworn to before me
this 27 day of June, 2007.



HON. JEREMIAH J. McCARTHY
United States Magistrate Judge